

DIVISION 7. FEES

Sec. 31-350. Levied.

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For the purpose of operating the storm water program of the City and the payment of the costs and expenses appurtenant, incident or necessary thereto for the construction, extension, enlargement, or acquisition of necessary storm water facilities or flood control improvement, including replacement thereof, and for the operation and maintenance thereof, there hereby is imposed a storm water user's fee upon the owner of property now served directly or indirectly by the city's storm sewer system at the rates set forth in this division.

(Ord. No. 9942, § 1, 8-31-93)

Sec. 31-351. Property owners to pay charges.

The owner of each lot or parcel which directly or indirectly uses the storm water system maintained by the City shall pay the storm water fees and charges as provided in this division. The owner of record as determined by the records of the Assessor of Property for Hamilton County as of October 1 shall be liable for payment of the storm water fees for that calendar year; providing nothing herein shall preclude the proration of fees between property owners.

(Ord. No. 9942, § 1, 8-31-93; Ord. No. 10670, § 1, 2-24-98)

Sec. 31-352. Charges to be based upon area and intensity development factors.

The charges for each lot or parcel shall be based upon the size of the lot or parcel and the category of land use as shown on the records of the Assessor of Property of Hamilton County and intensity development factors. The intensity development factor is based upon the relative degree of runoff of storm water anticipated from various uses of the land and proportions the cost based upon the estimated proportionate contribution to the total storm water runoff from all user classes, based upon such factors as impervious areas, the water quality of the user class runoff, storm water runoff and the volume or rate of runoff per user class. For ease of administration of the charges, single unit or two unit residential development shall be divided into categories, those with 10,000 square feet or less of land and those with greater than 10,000 square feet of land. The square footage for each parcel and the category of development shall be based upon the records maintained by the Assessor of Property of Hamilton County as the same may be changed from time to time; provided, that should an error in those records be brought to the attention of the City it shall seek to have the records corrected and shall adjust any erroneous charges made in reliance thereon.

(Ord. No. 9942, § 1, 8-31-93)

Sec. 31-353. Billing procedure.

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(a) The storm water charges shall become effective at the rates hereinafter imposed, shall be billed annually by the City Treasurer at the same time that the city's real property taxes are mailed, and shall be due and payable at the same time as property taxes, October 1 of each year.

(b) The storm water charge shall be designated as a separate item on the property tax bill.

(c) The storm water charge shall be paid in person or by mail at the City Treasurer's Office and shall become delinquent as of the next February 1 following the billing. Any unpaid storm water charge shall bear interest at the legal rate if it remains unpaid after March 1.

(d) Pursuant to section 13, Public Chapter Number 257, T.C.A. §68-221-1112, each bill that shall contain storm water charges shall contain the following statement in bold-faced type:

"THIS TAX HAS BEEN MANDATED BY CONGRESS"

(Ord. No. 9942, § 1, 8-31-93)

Sec. 31-354. Schedule of charges.

(a) The annual storm water charge, fee, or tax shall be based upon the land area, the category of land use, and the intensity development factor as shown in the following table:

<u>Land Use Group</u>	<u>IDF</u>	<u>Annual Cost</u>
Residential with 2 or less units and located on a lot of 10,000 square feet or less	0.25	\$24.00
Residential with 2 or less units and located on a lot of greater than 10,000 square feet	N/A	\$36.00
Multi-family residential with 3 or more units	0.60	\$0.00576 times the lot area in square feet
Industrial	0.75	\$0.0072 times the lot area in square feet

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Commercial	0.85	\$0.00816 times the lot area in square feet
Institutional	0.50	\$0.0048 times the lot area in square feet
Transportation, Communication and Utility	0.70	\$0.00672 times the lot area in square feet
Recreational	0.05	\$0.00048 times the lot area in square feet
Roadway	0.00	\$0.0000 times the lot area in square feet
Agricultural	0.04	\$0.000384 times the lot area in square feet
Vacant	0.02	\$0.000192 times the lot area in square feet
Water	0.00	\$0.00000 times the lot area in square feet
Forest	0.00	\$0.00000 times the lot area in square feet

(b) Provided, however, that where the charge calculated pursuant to sub-paragraph (a) shall be less than five dollars (\$5.00), then no bill shall be issued.
(Ord. No. 9942, § 1, 8-31-93; Ord. No. 10111, § 4, 9-20-94)

Sec. 31-355. Correction of erroneous billing.

(a) Any owner or duly authorized agent may contest the accuracy of the charges imposed pursuant to this article by lodging with the Manager of the Storm Water Management Section a notice of protest. The Manager shall develop and maintain appropriate forms for the lodging of such protest, but any written protest shall be sufficient providing that it sets forth with particularity the nature of any errors allegedly committed in the computation of such bill. Such a

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protest may be filed without payment of the storm water fee on or before the first December 31 following the billing, but thereafter the protest must be accompanied by payment of the bill and which shall be considered as payment under protest.

(b) The Manager shall duly consider all notices of protest as soon as practicable, and when he or she shall agree with all or any portion of the protest shall adjust the billing in accordance with such factors as are in this article. The Manager shall refund any erroneous billing for the year involved in the protest and when the conditions in the previous years also warrant an agreement, the Manager shall adjust the previous two (2) years' fees for a total of three (3) years of adjustment of erroneous fees.

(c) If the Manager disapproves the protest in whole or in part, he or she shall notify the owner or duly authorized agent as soon as practicable. In no event shall there be more than a ninety (90) day delay in resolving any protest. In the event more than ninety (90) days elapses following the filing of the protest without a decision having been rendered by the Manager, the protest shall be deemed to have been denied.

(d) If the owner disagrees with the administrative ruling of the Manager concerning a protest which was timely filed, the owner may within thirty (30) days following the date of the decision of the Manager appeal the bill and the Manager's administrative determination to the Storm Water Regulations Board by filing a notice of appeal to said board in care of the Administrator of the Department of Public Works, City Hall, Chattanooga, Tennessee, 37402, with a copy of said notice provided to the Manager. The Manager shall develop and maintain forms appropriate for filing the notice of appeal, but no particular form for such an appeal shall be required providing that the appeal sets forth with particularity the nature of the owner's complaint.

(e) If a notice of appeal to the Storm Water Regulations Board is timely filed, the board shall schedule a time and place within which to consider the appeal. The hearing on such appeals shall be informal, but the owner and Manager will each be given the opportunity to present documentary evidence in support of their position and will be given the opportunity to address the board. The board shall receive such evidence relating to the matter as may be necessary to resolve the dispute, and shall render such determinations and issue such orders as the law and facts of the case may require.

(Ord. No. 9942, § 1, 8-31-93; Ord. No. 10670, § 2, 2-24-98)

Sec. 31-356. Adjustment for users constructing storm water retention and control facilities.

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(a) Upon application by any user adequately supported by documentation to show that the user has constructed facilities to retain and control the quantity of storm water runoff and the nature and extent of any such retention and control quantified by adequate data, the user shall be entitled to an adjustment of their storm water user fee as provided in this section.

(b) The storm water user's fee shall be reduced by twenty-five percent (25%) for users who shall have constructed and properly maintained storm water detention facilities which are adequate in design and operation for a ten (10) year storm event and discharging at the pre-development rate into the storm water system or to other waters.

(c) The storm water user's fee of commercial, industrial, institutional and multi-family residential users of the storm water system which shall have constructed and properly maintained storm water treatment facilities which are adequate in design and operation to treat or remove oil and other pollutants shall be reduced by twenty-five percent (25%) providing that the user can demonstrate that the facility removes at least eighty percent (80%) of the pollutant load which would otherwise go into the receiving storm water facility or other waters.

(d) In the event the owner shall design and construct a storm water detention or treatment facility larger or technologically more advanced than necessary for present or anticipated future development of the owner's site which is used to remediate an existing water quantity or quality problem either upstream or downstream of the owner's facility, the owner may receive an additional twenty-five percent (25%) reduction in the owner's storm water fee.

(e) The reductions authorized under sections b, c and d above shall be cumulative, providing that the total reduction in storm water users fee shall not exceed seventy-five percent of the fee as it would be calculated without reduction for the construction and operation of storm water retention and treatment facilities.

(f) The user shall make application to the Manager of the Storm Water Section for reductions in the storm water fee pursuant to this section. Each application shall be accompanied by plans or drawing of the storm water facility, and any claim of a reduction in the rate of reduction of storm water runoff or the quality thereof shall be supported by adequate data to demonstrate the accuracy of the claims. The Manager shall not be bound to accept such plans or data, but may make such independent investigation thereof as he or she may deem necessary to determine the accuracy of the claimed reductions.

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(g) To the extent that the Manager is satisfied that the reductions applied for are warranted by the circumstances, he shall reduce the bill as provided herein. If the fee shall have been paid, a refund shall be authorized to the extent warranted by the reductions.

(h) The Manager shall act upon any application for a reduction in fees within ninety (90) days of the receipt thereof. In the event he shall not have acted upon same within this time, then the application shall be deemed to have been denied.

(i) The user may appeal the denial by the Manager of any claimed reduction in the quantity or quality of the storm water runoff to the Storm Water Regulations Board by filing a written notice of appeal in care of the Administrator of Public Works within thirty (30) days following the action of the Manager. No particular form for a notice of appeal shall be required and any written notice setting forth with reasonable particularity the grounds for the appeal shall be acceptable, but the Manager shall develop and maintain a form for such purposes. A copy of the notice of appeal shall be filed with the Manager. Unless the Storm Water Regulations Board shall consent to an enlargement of the administrative record, the appeal shall be decided upon the plans and data submitted by the applicant in support of the claimed reduction and any information relating thereto generated by the Administrator in review of the application. The board shall schedule a meeting to consider the appeal and both the applicant and the Manager shall be allowed to make a written and oral argument before the board in support of their respective positions.

(Ord. No. 9942, § 1, 8-31-93)

Sec. 31-357. Elderly low-income or disabled homeowner exemption from fees.

Those persons who have qualified as an elderly low-income homeowner pursuant to T.C.A. § 67-5-702 or who have qualified as a disabled homeowner pursuant to T.C.A. § 67-5-704 shall be exempt from payment of fees on that property which they use as their residence.
(Ord. No. 10111, § 1, 9-20-94)

Secs. 31-358 -- 31-359. Reserved.

DIVISION 8. STORM WATER REGULATIONS BOARD

Sec. 31-360. Established.

There is hereby established a Board of seven (7) members to be known as the "Storm Water Regulations Board."
(Ord. No. 9942, § 1, 8-31-93)